

STAT

ARTICLE APPEARED  
ON PAGE A-1NEW YORK TIMES  
21 APRIL 1983

# STRONG CURB ASKED ON SECRET PAPERS

## Report Urges Prison Term for Unauthorized Disclosures

By ROBERT PEAR

Special to The New York Times

WASHINGTON, April 20 — A committee of Reagan Administration officials has proposed a law under which any Government employee who improperly discloses classified information would be subject to a criminal penalty of three years in prison and a fine of up to \$10,000.

The committee, in an internal report, said, "Unauthorized disclosure of classified information has become an increasingly common occurrence."

However, it added, "There is no single statute that makes it a crime as such for a Government employee to disclose classified information without authorization."

### Support From Administration

Thus, the panel said, "to close the gaps in the present law, we recommend the introduction of legislation imposing a criminal penalty for all unauthorized disclosures of classified information by Government employees" and former employees.

The chairman of the panel, Deputy Assistant Attorney General Richard K. Willard, said today that the Administration had not decided whether to make a "major effort" to win Congressional approval of the proposed statute. In principle, he said, the Administration strongly supports such a statute.

The panel was convened by Attorney General William French Smith at the request of William P. Clark, President

Reagan's national security adviser, who wanted to know what the Administration could do to stop the unauthorized disclosure of classified information. The panel was composed of senior officials from the Central Intelligence Agency and the Departments of Justice, State, Treasury, Defense and Energy.

Officials at the Defense Department and the State Department often disclose classified information to journalists in trying to buttress arguments for or against particular policies. Mr. Willard's report said that unauthorized disclosures by high-ranking officials should be "investigated and penalized in the same manner" as other leaks.

However, in an interview, Mr. Willard said the President could legally authorize disclosures of classified information. In general, he added that information might be declassified only by the official who authorized the original classification or by a "supervisory official" higher in the chain of command.

Thus, he said, the Secretary of State could declassify information generated by the State Department but could not declassify information originally classified by the C.I.A. unless the President gave him authority to do so.

### Laws Likened to Prohibition

Mark H. Lynch, a staff attorney for the American Civil Liberties Union, said that such laws would be difficult to enforce. "It would be like Prohibition," he added. "Those proposals try to stop something that people do all the time."

Virtually all the panel's recommendations beyond the new statute, for greater use of polygraphs, secrecy agreements and "prepublication review" of manuscripts, were adopted in a directive issued by the President on March 11.

Two House subcommittees plan to hold a joint hearing on the Reagan directive Thursday. The subcommittee chairmen, Representatives Don Edwards of California and Patricia

Schroeder of Colorado, both Democrats, have criticized the order.

The report by Mr. Willard's committee recommended tough administrative penalties for any Federal employee found to have disclosed classified data without permission. "For most Government employees," it said, "a realistic prospect of being demoted or fired for leaking classified information would serve as a deterrent."

### Pentagon Papers Case Recalled

Justice Department officials said there had never been a successful prosecution of a Government employee for the unauthorized disclosure of classified information. No prosecution has been attempted since Daniel Ellsberg and Anthony J. Russo Jr. were indicted in 1971 on charges of conspiracy, espionage and theft of Government property stemming from publication of the Pentagon Papers. A Federal judge eventually dismissed the charges because of what he said was "improper Government conduct" in the investigation.

Mr. Reagan's directive of March 11 said that Federal employees and former employees with access to highly classified information would have to submit manuscripts to the Government for review, to "assure deletion" of all classified information. Mr. Willard's committee, known formally as the Interdepartmental Group on Unauthorized Disclosures of Classified Information, recommended such reviews but focused mainly on disclosures by current employees.

The other members of Mr. Willard's committee were Ernest Mayerfeld, deputy general counsel of the Central Intelligence Agency; Daniel W. McGovern, deputy legal adviser at the State Department; Jordan Luke, assistant general counsel at the Treasury; Kathleen A. Buck, a Defense Department attorney; L. Britt Snider, director of counterintelligence and security policy at the Pentagon, and James W. Culpepper, a Deputy Assistant Secretary of Energy.